

Remarks/Arguments

Claims 1 – 9 are pending in the application. Claims 1 and 8 are independent.

In the present response, claims 1 – 9 are amended. No new matter is added.

Objection to Claims

The Office Action objects to claims 1 – 9 for a number of informalities. In the present response, claims 1 – 9 are amended to obviate this objection. No new matter is added.

In the Office Action, it is alleged that the term “recording medium” is not defined in the specification to determine whether it falls under the statutory category or not. Applicants respectfully point out that in the specification, for example, page 5, lines 28 – 35, the “recording medium” is clearly disclosed. Since an apparatus can read from and write to the “recording medium” therefore it is a statutory subject matter.

Withdrawal of the objection to claims 1 – 9 is respectfully requested.

Rejection of claims 1 – 9 under 35 U.S.C. 112

Claims 1 – 9 are rejected under 35 U.S.C. 112, first paragraph, for failing to contain a written description of a “recording medium” in specification.

Applicants respectfully point out that in the specification, for example, page 5, lines 28 – 35, the “recording medium” is clearly disclosed. Furthermore, the cited passage provides an example and discloses that an apparatus can read from and write to the “recording medium”. Thus, Applicants submit that a person skilled in the art is able to practice the claimed invention based on the written description as filed.

Withdrawal of the rejection of claims 1 – 9 under 35 U.S.C. 112 is respectfully requested.

Rejection of claims 1 – 9 under 35 U.S.C. 103(a) over Tripp et al. (US 6516337, hereinafter “Tripp”) in view of Mourad et al. (US 20030135464, hereinafter “Mourad”) and further in view of Wright et al. (US 20050055578, hereinafter “Wright”)

Applicants submit that for at least the following reasons, claims 1 – 9 are patentable over Tripp, Mourad and Wright, either singly or in combination.

For example, claim 1, in part, requires:

“retrieving a file system of a recording medium, the file system indicating the physical position of the content on the recording medium.” (Emphasis added)

Tripp, column 3, lines 35 – 39, teaches that an indexer component that periodically indexes the local set of data defined by the user and stores pertinent information in its index database to provide data retrieval capability for the system. However, Applicants submit that Tripp does not teach or suggest the above claimed feature.

Tripp is only interested in obtaining information about the files that are available on a recording medium, and about their logical position, i.e. the folder structure of the hard disk. The indexer component obtains the logical position of the local set of data as defined by the user. Applicants submit that a user would not normally know or care about the physical location of the files on the recording medium. Since it is the task of the operating system to match the logical position to the physical position, Tripp's indexer component does not require the physical position of the files on the recording medium in order to index the data. Therefore, there is no need for Tripp to retrieve a file system of the recording medium.

Furthermore, Applicants submit that the local index of files as disclosed by Tripp is not the same as a file system. On page 2, lines 18 to 31 of the present application, it is clearly described that the file system is not the same as the list of files contained on a recording medium. In fact, different recording media with the same content will generally have different file systems, as the file system also includes information about the physical location of the files on the recording medium. Applicants submit that the file system software is responsible for organizing the sectors of a recording medium into files and directories, and keeping track of which sectors belong to which file and which sectors are not being used. This, however, depends on the order in which the files were written to the recording medium. The local index of files as disclosed by Tripp does not exhibit any such property of a file system, where information about the

physical location of the file on the recording medium is included in the file system. Thus this strongly suggests that the index database of Tripp does not contain the file system of the recording medium.

In view of at least the foregoing, Applicants submit that Tripp fails to teach or suggest the claimed feature: retrieving a file system of a recording medium, the file system indicating the physical position of the content on the recording medium.

Applicants further submit that neither Mourad nor Wright discloses or even gives a hint to retrieve a file system of a recording medium, and thus Mourad and Wright fail to cure the defects present in Tripp as discussed above. Therefore, claim 1 is patentable over Tripp, Mourad and Wright, either singly or in combination.

Independent claim 8, although different from claim 1, includes several similar distinguishing features as discussed above with respect to claim 1. For example, claim 8 is directed to an apparatus that includes at least one element adapted for retrieving a file system of the recording medium, the file system indicating the physical position of the content on the recording medium. Applicants essentially repeat the above arguments for claim 1 and apply them to claim 8, pointing out why claim 8 is patentable over Tripp, Mourad and Wright. Claims 2 – 7 and 9 respectively depend from and inherit all the respective features of claims 1 and 8. Thus, claims 2 – 7 and 9 are patentable for at least the reason that they respectively depend from claims 1 and 8, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 1 – 9 under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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Date: 8/10/2009